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FM AMEMBASSY NASSAU
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INFO RUCNCOM/EC CARICOM COLLECTIVE

C O N F I D E N T I A L NASSAU 000391

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DEPT FOR WHA/CAR, G/TIP

E.O. 12958: DECL: 06/24/2019
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BF
SUBJECT: BAHAMAS REACTS TO THE 2009 TRAFFICKING IN PERSONS
REPORT

REF: STATE 60532

Classified By: Charge Zuniga-Brown for reasons 1.4(b) and (d).

¶1. (U) The Ministry of Foreign Affairs issued a statement in response to the 2009 Trafficking in Persons (TIP) Report carried by local media June 24. The MFA said the GCOB "continues to meet its obligations in combating and eliminating human trafficking" under the Palermo Convention and the relevant anti-TIP protocol, which the GCOB ratified in late 2008. The GCOB noted that the 2009 TIP report "fails to acknowledge that the legislation has been enacted in compliance with the country's obligation" under the convention and protocol "and that the provisions of that legislation are entirely informed by the provisions found under those international instruments."

¶2. (U) The statement questioned the evidence for the finding that The Bahamas is a destination country for TIP. After citing the TIP report's reference to forced labor and certain labor violations, the MFA condemned such acts but asserted that employer coercion alone does not constitute a TIP offense or qualify as evidence of human trafficking. "Consequently, The Bahamas rejects any attempt to define or classify as trafficking in persons conduct which, though reprehensible, does not fit within the criteria set by Article 3 of the Protocol."

¶3. (U) The statement concluded, "there must be recognition of the fact that even if victims of trafficking are identified, the issue is always whether they will be prepared to provide the evidence necessary to sustain a prosecution." The full text of the statement as released was provided to G/TIP via e-mail.

¶4. (C) In a separate meeting on human trafficking, senior law enforcement and Ministry of Immigration officials chastised the report for lack of evidentiary basis and the Embassy's "apparent misunderstanding of the difference between human smuggling and trafficking in persons." They indicated that they felt that they were being penalized for addressing the issue, by passing anti-trafficking in person legislation, and stated a reluctance to share information that might lead to it being used as evidence of trafficking.

¶5. (C) COMMENT: The GCOB's emphasis on international standards and legal criteria reflect the Attorney General's Office's close cooperation with the MFA in ratifying the relevant anti-TIP instruments and drafting comprehensive national legislation in 2008. The statement also reflects the MFA's understanding that the change in ranking this year was based on changes to USG law and criteria (reftel), not on a change in empirical evidence relating to TIP in The Bahamas. Law enforcement authorities were not attuned to these nuances, and reacted sharply to what they viewed as unsubstantiated claims which appeared not to take account of

the law enforcement realities with which they are faced, in particular migrant smuggling and illegal labor migration.
ZUNIGA-BROWN